

Assembly Joint Resolution No. 72

RESOLUTION CHAPTER 131

Assembly Joint Resolution No. 72—Relative to the federal gasoline oxygenate mandate.

[Filed with Secretary of State July 16, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 72, Frommer. Federal Clean Air Act: gasoline oxygenate additives.

This measure would memorialize the United States Environmental Protection Agency to take immediate action to review and reconsider California's request for an administrative waiver from the gasoline oxygenate additive requirements of the federal Clean Air Act in order to relieve gasoline consumers in California from record-breaking gasoline prices.

WHEREAS, The federal Clean Air Act Amendments of 1990 (P.L. 101-549) mandate the use of reformulated gasoline containing 2 percent oxygen by weight in areas designated as nonattainment areas due to high ambient ozone levels in summer months and high ambient carbon monoxide levels in winter months; and

WHEREAS, In April 1999, California determined it was necessary to ban the use of methyl tertiary-butyl ether (MTBE) as a result of significant risks and costs associated with groundwater contamination due to the use of that gasoline oxygenate additive. California concurrently requested that the United States Environmental Protection Agency (U.S. EPA) utilize its authority under the federal Clean Air Act to grant California an administrative waiver from the federal oxygenate mandate, and allow the state to use nonoxygenated gasoline; and

WHEREAS, While MTBE has been eliminated in California's gasoline supply, and despite numerous requests to the federal EPA, California is still mandated by the federal Clean Air Act to utilize oxygenates in its gasoline supply; and

WHEREAS, California's refineries already produce cleaner-burning fuel than the federal reformulated gasoline program; and

WHEREAS, Ethanol is the only other available alternative oxygenate to MTBE, but because gasoline must be refined to a level even cleaner than California standards in order to be blended with ethanol, using ethanol as the primary oxygenate puts an even greater strain on the state's gasoline supply; and

WHEREAS, A Blue Ribbon Panel convened by the U.S. EPA has determined that the minimum oxygen content is not needed in California, and in 1999, the National Research Council reported that oxygen additives used in reformulated gasoline do reduce emissions of carbon monoxide, but do little to reduce the emissions of ozone precursors and greenhouse gases, which contribute to smog; and

WHEREAS, Consumer prices for gasoline have reached near record levels in California; and

WHEREAS, California's refineries are currently running at 93 percent of their capacity, producing 46 million gallons of gasoline per day, while California residents use up to 42 million gallons of gasoline per day.

WHEREAS, The federal oxygenate mandate greatly increases the price of gasoline used in California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States Environmental Protection Agency take immediate action to review and reconsider California's request for an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement in order to relieve gasoline consumers in California from record-breaking gasoline prices; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to Members of the California delegation of the United States Congress.

